



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,351	04/15/2004	Huang-Yi Cheng	3313-1165PUS1	6332

2292 7590 06/21/2005

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

EPPS, TODD MICHAEL

ART UNIT	PAPER NUMBER
----------	--------------

3632

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/824,351	CHENG ET AL.	
	Examiner	Art Unit	
	Todd M. Epps	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/15/2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/15/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office Action for serial number 10/824,351, Toys Bracing Bracket, file on April 16, 2003.

Specification

The use of the trademark Velcro has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The use of the trademark Velcro has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 6,467,107 B1 to Glover. Glover teaches a central pivot dock (89) which is a shell having a plurality of pivotal coupling troughs (fig. 16), a first anchor section, and a second anchor section. A plurality of connection rods (91-94) each having a connection section (310) on one end on the playpen (210), and another end pivotally coupled with the pivotal coupling trough (fig 16) on the first anchor section (137) in a first condition or on the second anchor section (143) in a second condition.

Regarding claim 2, Glover shows the connection rods (91-94) pivotally coupled on the central pivot dock (89) in a radial fashion and detachable to couple with the playpen (210).

Regarding claim 3, Glover shows the connection rods (91-94) are extended to form the first condition (127-130) and folded to form the second condition (131-134).

Regarding claim 4, Glover shows the central pivot dock (89) has an elastic element (143, and 137) to provide a biasing force to keep the connection rods (91-94) in the first condition (127-130) or the second condition (131-134).

Art Unit: 3632

Regarding claim 6, Glover shows a central pivot dock (89) with a hanging section (97).

Regarding claim 7, Glover shows a connection section of the connection rod (94) with a clip (310).

Regarding claim 9, Glover teaches the first anchor section (137), which lines on the horizontal axis normal to the second anchor section (143), which lines on the vertical axis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over to Glover. Glover fails to disclose the connection rods with one end forming a pivotal coupling section, which has a slot to hold an axle to pivotally couple with the central pivot dock. It would have been obvious to one ordinary skill in the art at the time the invention was made to have a slot in place of a hole, wherein doing so would provide thereof convenience to move the connection rod in the range of the slot.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glover in view of U.S. Patent number 5,517,707 to LaMantia. Glover fails to disclose the connection section of the connection rod connected by a Velcro tape to the playpen.

Art Unit: 3632

Attention is directed to the LaMantia reference, which teaches a Velcro closure (34) to secure the flap (32) in the closed position to capture the rods (20) in the sleeve and retain the rods in place when the crib is assembled. Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have a Velcro tape of LaMantia with connection rods as taught by Glover wherein doing so would provide thereof convenience for canopy to attach and detach from the playpen.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over to Glover. Glover fails to disclose the connection rods as flexible hollow tubes. It would have been obvious to one ordinary skill in the art at the time the invention was made to have flexible hollow tubes, wherein doing so would provide thereof convenience to move the canopy around, as it is lightweight.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent number 4,750,509 to Kim

U.S. Patent number 4,790,340 to Mahoney

U.S. Patent number 5,195,551 to Ju

U.S. Patent number 6,119,288 to Hendrickson

U.S. Patent number 6,694,546 B1 to Kasem

U.S. Patent number 6,859,958 B2 to LaMantia

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Todd M. Epps
Patent Examiner
Art Unit 3632
June 15, 2005

A handwritten signature in black ink, appearing to read "A. Jay Wright", is written over the typed name "Todd M. Epps".